

# **DECLARATION OF EMERGENCY**

**Effective October 8, 2013**

## **Department of Health and Hospitals**

### **Louisiana Behavior Analyst Board**

The Louisiana Department of Health and Hospitals, Louisiana Behavior Analyst Board has exercised the emergency provisions of the Administrative Procedures Act, specifically RS 49:953(B)(1), to create rules relative to the practice of behavior analysis, to be designated as Chapter 3 Application Procedures and Board Fees of the board rules. This Emergency Rule containing all new material, is effective October 8, 2013, and will remain in effect for a period of 120 days.

This action is necessary due to Act 351 of the 2013 Legislative Session, effective August 1, 2013, which created the Louisiana Behavior Analyst Board to safeguard life, health, property and the public welfare of this state, and in order to protect the people of this state against unauthorized, unqualified, and improper application of applied behavior analysis. Act 351 created a licensure process for behavior analysts, certification for assistant behavior analysts and requires registration of line technicians in the best interest of public protection. There is no grandfathering clause in Act 351 and individuals are practicing behavior analysis in the community, therefore there is insufficient time to promulgate these rules under the usual Administrative Procedures Act rulemaking process. However, a Notice of Intent to adopt a permanent rule will be promulgated in connection with the proposed adoption of emergency rules on this subject.

### **Application Procedures and Board Fees**

**(LAC 46:VIII. Chapter 3)**

#### **301. Application Procedures for Licensure/State Certification/ Registration**

- A. Application and/or Registration
  - 1. An application for a license as a behavior analyst, state certified assistant behavior analyst or registration as a line technician may be submitted after the requirements in RS 37:3706-37:3708 are met.

2. Upon submission of application or registration on the forms provided by the Board, accompanied by such fee determined by the Board, the applicant must attest and acknowledge that the:
  - a. Information provided to the Board is true, correct and complete to the best of his knowledge and belief; and
  - b. The Board reserves the right to deny an application in accordance with RS 37:3706-R.S. 37:3708, if the application or any application materials submitted for consideration contain misrepresentations or falsifications
3. An applicant, who is denied licensure based on the information submitted to the Board, may reapply to the board after 1 year, and having completed additional training, if necessary and having met the requirements of law as defined in the rules and regulations adopted by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Behavior Analysts, LR (October2013).

### **302. Licensure of Behavior Analysts.**

- A. The applicant for licensure as a behavior analyst shall:
  - (1) Submit notarized application along with appropriate fee pursuant to Section 305;
  - (2) Provide proof of a Masters Degree by requesting official transcripts from accredited university;
  - (3) Submit verification of successful passage of a national exam administered by a nonprofit organization accredited by the National Commission for Certifying Agencies and the National Standards Institute to credential professional practitioners of behavior analysis related to the principles and practice of the profession of behavior analysis that is approved by the board.
  - (4) Take and successfully pass the Louisiana Jurisprudence Exam issued by the Board;
  - (5) Complete a Criminal Background Check as approved by the Board; and
  - (6) Provide proof of good moral character as approved by the Board

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Behavior Analysts, LR \_\_\_\_ (October 2013).

### **303. Certification of State Certified Assistant Behavior Analysts.**

- A. The applicant for certification as a state certified assistant behavior analyst should:
- (1) Submit notarized application along with appropriate fee pursuant to Section 305;
  - (2) Provide proof of a Bachelors Degree by requesting official transcripts from accredited university;
  - (3) Submit verification of successful passage of a national exam administered by a nonprofit organization accredited by the National Commission for Certifying Agencies and the National Standards Institute to credential professional practitioners of behavior analysis related to the principles and practice of the profession of behavior analysis that is approved by the board.
  - (4) Take and successfully pass the Louisiana Jurisprudence Exam issued by the Board;
  - (5) Complete a Criminal Background Check approved by the Board;
  - (6) Provide proof of good moral character as approved by the Board; and
  - (7) Provide proof of supervision by a Louisiana licensed behavior analyst on the form required by the Board. If there is more than one supervisor, a form must be submitted for each supervisor.
- B. If the supervision relationship between a Louisiana licensed behavior analyst and state certified assistant behavior analyst ends, both parties are responsible for notifying the board in writing, within 10 calendar days of the termination of the arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3707.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Behavior Analysts, LR \_\_\_\_ (October 2013).

### **304. Registration of Line Technicians.**

- A. A Louisiana licensed behavior analyst must register with the board all line technicians functioning under their authority and direction. It is the responsibility of both the licensed behavior analyst and line technician to submit registration paperwork for each supervisory relationship. The registration must be completed on the form provided by the Board along with payment of the appropriate fee pursuant to Section 305.
- B. A line technician must complete a Criminal Background Check approved by the Board.
- C. If the supervision relationship between a Louisiana licensed behavior analyst and line technician ends, both parties are responsible for notifying the board in writing, within 10 calendar days of the termination of the arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Behavior Analysts, LR \_\_\_\_ (October 2013).

**305. Licensing and Administrative Fees.**

**A. Licensing Fees**

Application for Licensed Behavior Analyst	\$400
Application for State Certified Assistant Behavior Analyst	\$250
Registration for Line Technicians	\$50
Temporary Licensure	\$125
Annual Renewal – Behavior Analyst	\$400
Annual Renewal - Assistant Behavior Analyst	\$250
Annual Renewal - Line Technicians	\$50
Jurisprudence Examination	\$75
Criminal Background Check	\$50

**B. Administrative Fees.**

Late fees	\$50
Duplicate copy of license	\$15
Official Name Change on License	\$25
License Verification	\$15
Insufficient Check Fee	\$15
Copies of documents	\$2/page

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Behavior Analysts, LR \_\_\_\_ (October 2013).

Respectfully Submitted,

Kelly Parker

Executive Director

